

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 871 - SB 836

April 6, 2021

SUMMARY OF ORIGINAL BILL: Exempts any formerly open pit mine or quarry from all local restrictions, rules, regulations, municipal ordinances, and county resolutions which limit the operator's ability to fill the pit and reclaim and restore the site, if such mine or quarry agrees to receive fill or borrow material from state highway construction projects. Such exemption only applies if:

- The fill work complies with the requirements of the Tennessee Water Pollution Control Act; and
- In all other ways satisfies this state's rules applicable to the fill activity.

Authorizes local governments to require surety that affected streets and roads will be restored to their original condition.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (006674): Deletes and rewrites all language after the enacting clause such that the only substantive changes:

- Replace "formerly operating pit mine or quarry" with "former surface mining operation" or "operation" as defined in Tenn. Code Ann. § 59-8-202(8);
- Adds former borrow excavations and former quarrying operations to those sites agreeing to receive fill or borrow material from state highway construction projects;
- Specify that such applicable restrictions, rules, regulations, ordinances, and laws, from which the aforementioned sites are excluded, include prohibitive zoning, limits on truck traffic, weight limits or distance limitations, or other operational limitations;
- For such exemption to apply, fill work must comply with the requirements of the Tennessee Water Quality Control Act of 1977;
- Establishes that base zoning regulations in effect upon the effective date of this act continue to be applicable to the aforementioned backfilling and grading projects, as long as such regulations are base zoning regulations applicable to any such site and are not site-specific zoning regulations associated with a specific plan zone; and
- Establishes that site-specific zoning regulations associated with a specific plan zone may not prohibit any such backfilling and grading projects.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Based on information from the TDEC, more than 85 percent of mining operations in Tennessee do not require a Tennessee Surface Mining Law permit.
- In addition, the Division of Solid Waste Management exempts the use of solely natural rock, dirt, stumps, pavement, concrete and rebar, and/or brick rubble as fill material.
- Based on information provided by the TDEC, any open pit mine or quarry that is stabilized or closed, has its National Pollutant Discharge Elimination System Permit cancelled, and the Department no longer has jurisdiction over the mine or quarry.
- This legislation is estimated to have no significant impact on the TDEC, and state or local government, in general.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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